

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Tiffany Dempsey	Team: Team # 1	CCRB Case #: 201308282	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 07/29/2013 9:45 PM	Location of Incident: 60th Precinct stationhouse	Precinct: 60	18 Mo. SOL 1/29/2015	EO SOL 1/29/2015	
Date/Time CV Reported Thu, 09/05/2013 2:09 PM	CV Reported At: CCRB	How CV Reported: Mail	Date/Time Received at CCRB Thu, 09/05/2013 2:09 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Kaiyuen Leung	01848	929440	061 PCT
2. POM James Bennett	15582	950069	061 PCT
3. LT Bruce Ceparano	00000	933682	061 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Kaiyuen Leung	Abuse: Sgt Kaiyuen Leung threatened § 87(2)(b) with the use of force.	
B.POM James Bennett	Abuse: PO James Bennett strip-searched § 87(2)(b)	
C.LT Bruce Ceparano	Abuse: Lt Bruce Ceparano strip-searched § 87(2)(b)	
D.SGT Kaiyuen Leung	Abuse: Sgt Kaiyuen Leung strip-searched § 87(2)(b)	

Case Summary

§ 87(2)(b) filed his complaint with the CCRB by mail on September 5, 2013.

On July 29, 2013, at approximately 9:45 p.m., § 87(2)(b) was issued open container and disorderly conduct summonses on Riegelmann Boardwalk and Brighton 5th Street in Brooklyn by PO James Bennett and Lt Bruce Ceparano of the 61st Precinct. § 87(2)(b) was then taken to the 60th Precinct stationhouse where he interacted with Sgt Kaiyuen Leung of the 61st Precinct and was released with a third summons for littering in the park.

§ 87(2)(b)'s interactions with PO Bennett, Lt Ceparano and Sgt Leung at the 60th Precinct stationhouse resulted in the following allegations:

- **Allegation A – Sgt Kaiyuen Leung threatened Andrie § 87(2)(b) with the use of force.**
- **Allegation B – Abuse of Authority: PO James Bennett strip-searched § 87(2)(b)**
- **Allegation C – Abuse of Authority: Lt Bruce Ceparano strip-searched § 87(2)(b)**
- **Allegation D – Abuse of Authority: Sgt Kaiyuen Leung strip-searched § 87(2)(b)**

§ 87(2)(b), § 87(2)(g)

Results of Investigation

Civilian Statement(s)

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b)-old white male who stands 1 meter and 80 centimeters (5'9") tall, weighs approximately 198 pounds, and has brown hair and brown eyes.
- § 87(2)(b)'s primary language is Russian; however he can speak and understand English.

CCRB Testimony

§ 87(2)(b) wrote a letter to the CCRB addressing his complaint on September 3, 2013 (encl A7), and provided a phone statement on September 25, 2013 (encl B1). § 87(2)(b) was interviewed at the CCRB on October 11, 2013 (encl B2-5). His statements made to the CCRB are generally consistent and are summarized below.

On July 29, 2013, at approximately 9:45 p.m., as determined by investigation, § 87(2)(b) was stopped by PO Bennett and Lt Ceparano while sitting on a bench on the Boardwalk near Brighton Beach, drinking a can of beer. § 87(2)(b) was wearing shorts, a t-shirt and flip-flops on the incident date. § 87(2)(b) described PO Bennett as a white male between the ages of 40 and 45-years-old, who stands about 5'9", has a slim build and has grey hair. PO Bennett was wearing a uniform. § 87(2)(b) obtained PO Bennett's name from his summonses and also read it off his uniform later at the 60th Precinct stationhouse. § 87(2)(b) described Lt Ceparano, as identified by investigation, as a white male between the ages of 40 and 45-years-old, who stands about 5'9" or a little shorter, has a muscular build, and is bald. Lt Ceparano was wearing a uniform with a white shirt. § 87(2)(b) read Lt Ceparano's name off his badge and stated that it was Italian.

PO Bennett and Lt Ceparano issued § 87(2)(b) a summons for open container and then disorderly conduct after arguing with the officers about his summonses and causing a crowd of about 20-30 people to form around the incident location. § 87(2)(b) refused to take the summonses. The officers then told § 87(2)(b) that if he did not stop asking questions and conversing with the officers he would be taken to Brooklyn Central Booking. § 87(2)(b) continued to speak. He was then handcuffed and transported to the 60th Precinct stationhouse.

At the stationhouse, PO Bennett and Lt Ceparano brought § 87(2)(b) to the front desk where they informed the desk officer, identified by investigation as Sgt Leung, of the circumstances of the incident. Sgt Leung was sitting at the front desk writing in the command log. § 87(2)(b) described Sgt Leung as a short, chubby Asian male, possibly Chinese, between the ages of 30 and 35-years-old, who stands about 4'9"-5'2", and has short black hair. Sgt Leung was in uniform. PO Bennett and Lt Ceparano then took § 87(2)(b) to a holding cell.

At the holding cell, PO Bennett told § 87(2)(b) to remove his shorts. § 87(2)(b) told PO Bennett he did not have anything underneath his shorts. PO Bennett told him he still had to remove his shorts. § 87(2)(b) refused and told the officers it was demeaning and against his rights. The officers then left and returned about 10-15 minutes later with Sgt Leung. PO Bennett once again told § 87(2)(b) to take off his shorts and get undressed. Sgt Leung told § 87(2)(b) to get undressed and follow PO Bennett's instructions while holding a taser in his hand. Sgt Leung held the taser and made clicking sounds as he told § 87(2)(b) to undress. Sgt Leung stood about 3 feet away from § 87(2)(b). None of the officers were inside the cell; however they stood at the door which was opened. Because he was afraid of the taser, § 87(2)(b) took off his shorts, t-shirt and flip-flops, and threw them onto the floor near the cell door. § 87(2)(b) sat completely naked in the holding cell, talking to himself. The officers left the holding cell area with § 87(2)(b)'s clothing.

After about 15 minutes, PO Bennett and Sgt Leung returned, opened the door to the cell, threw § 87(2)(b)'s clothes onto the floor and told him to get dressed. § 87(2)(b) refused to put his clothes on and told the officers since they illegally told him to get undressed, he was going to continue sitting down. The officers then walked away. After a few minutes, PO Bennett, Lt Ceparano, Sgt Leung, and two other male officers in uniform, PO3 and PO4, returned to the holding cell. PO3 and PO4 laughed at § 87(2)(b) as he sat naked in the cell. § 87(2)(b) could not describe PO3 and PO4. Sgt Leung once again held the taser and clicked it in a threatening manner. The officers opened the cell doors once again and told § 87(2)(b) to get dressed. None of the officers entered the cell. After being told to put his clothes on about five times, § 87(2)(b) complied and got dressed. Officers did not yell or raise their voices; however, they spoke in a stern, threatening manner. Officers then left the holding cell area. No officer made physical contact with § 87(2)(b) while he was in the cell.

After five minutes, PO Bennett returned and escorted § 87(2)(b) out of the holding cell and handed him three summonses. PO Bennett told § 87(2)(b) to leave and if he had any further objections they would take him to Brooklyn Central Booking. § 87(2)(b) took his summonses and left the stationhouse. He did not know what time it was when he left the stationhouse.

NYPD Statement(s):

Subject Officer: PO JAMES BENNETT

- *PO James Bennett is a* § 87(2)(b)

- *PO Bennett was on duty from 3:00 p.m., on July 29, 2013, to 11:35 p.m., assigned to patrol as Lt Ceparano's driver, working summer detail, dressed in uniform, driving marked Jeep #5691.*

Memo Book

PO Bennett had the following memo book entries regarding this incident: At 9:45 p.m., PO Bennett observed a white male at Brighton 5th Street and Riegelmann Boardwalk with an open can of 25.4 oz Foster Premium Ale beer in plain view. As PO Bennett was writing the defendant a summons, the defendant began yelling and screaming, causing a crowd to gather. PO Bennett gave the defendant another summons for disorderly conduct (making unreasonable noise), and told him to go home. PO Bennett and Lt Ceparano got into the Jeep and the defendant then threw the can of beer, which PO Bennett had emptied out, at the Jeep. PO Bennett and Lt Ceparano then asked and ordered the defendant for his identification again, to write him a littering summons. The defendant began yelling and a big crowd was watching. They handcuffed the defendant and brought him to the 60th Precinct stationhouse, where PO Bennett intended to write him the summons. When PO Bennett put the defendant in the cell, he told him he had to take the string out of his bathing suit. The defendant was having a hard time doing it so he took off his shorts and threw them out of his cell and then took off his shirt and refused to put his clothes back on. PO Bennett gave him the summons for littering and released him. § 87(2)(b)

§ 87(2)(b)

At 10:03 p.m., the defendant was placed under arrest and transported. At 10:08 p.m., they arrive at the stationhouse. At 10:33 p.m., defendant was released with three summonses (encl C1-4).

CCRB Testimony

PO Bennett was interviewed at the CCRB on November 25, 2013 (enclC5-8).

On July 29, 2013, PO Bennett observed § 87(2)(b) drinking from a 25.4oz container of Foster Premium Ale beer while sitting on a bench on the boardwalk. When PO Bennett explained to § 87(2)(b) that he was going to write him a summons for open container, § 87(2)(b) began yelling and screaming, stating that everyone on the boardwalk was drinking, and told the officers that they were discriminating against him and that he was going to sue. A crowd of about 60 people then formed around the incident location.

PO Bennett wrote § 87(2)(b) a second summons for disorderly conduct. § 87(2)(b) continued yelling and stating that he was going to sue the officers and "have their jobs." PO Bennett explained to § 87(2)(b) that he could either write him the summonses or he could take him to the stationhouse. § 87(2)(b) took the summonses and PO Bennett and Lt Ceparano walked back to their vehicle.

Once they got back into the vehicle, § 87(2)(b) picked up the beer container, which PO Bennett previously emptied, and threw it at the police vehicle, hitting the front bumper. PO Bennett and Lt Ceparano then exited their vehicle and approached § 87(2)(b) to issue him a summons for littering. § 87(2)(b) began yelling and screaming, causing the incident to become unsafe. The crowd surrounding them became larger and individuals in the crowd began yelling, laughing and cheering § 87(2)(b) on; however, no bystanders tried to intervene. PO Bennett and Lt Ceparano then decided to take § 87(2)(b) to the stationhouse and give him the summonses there. PO Bennett placed § 87(2)(b) in handcuffs and into the police vehicle. The entire incident lasted about five minutes. § 87(2)(b) was transported to the 60th Precinct stationhouse.

At the stationhouse, PO Bennett took § 87(2)(b) to the front desk. He did not recall if § 87(2)(b) had any property on him. § 87(2)(b) did not verbally interact with the desk sergeant, Sgt. Leung, at this time. PO Bennett then took § 87(2)(b) to the holding cell, which is located about 20 feet away from the front desk, in a separate room. Before allowing him to enter the cell, PO Bennett instructed § 87(2)(b) to remove the string from his bathing suit bottoms. PO Bennett explained, during his interview, that, as part of procedure, prisoners must remove any type of strings from their clothing that can be used to hang one's self in a cell. § 87(2)(b) struggled to remove the string from his bathing suit bottoms.

PO Bennett tried to untie the bathing suit string as well. However, before PO Bennett could untie the string, § 87(2)(b) became frustrated, pulled down his shorts and tossed them out of the cell. § 87(2)(b) then took off his shirt, threw it out of the cell and stood completely naked in the cell. He did not have any undergarments on. PO Bennett did not give § 87(2)(b) commands to take off his clothes. PO Bennett did not recall if any other officers were present during this time, but stated one other officer may have been. Also, there were no other prisoners in the cell with § 87(2)(b) sat down in the cell and began yelling that he was going to sue the officers, contact the United Nations, and "have their jobs." PO Bennett threw § 87(2)(b)'s t-shirt and his towel, which he had on him when he was brought into the stationhouse, into the cell. PO Bennett told § 87(2)(b) to get dressed; however, he refused. PO Bennett then locked the door to the cell and left to find a knife to cut the string.

About three other officers at the stationhouse, whom PO Bennett did not know, heard the commotion and told PO Bennett to write § 87(2)(b) his summonses and release him as soon as possible. PO Bennett then went back into the holding cell area and tossed § 87(2)(b) his bathing suit bottoms and instructed him to put them on; however, he refused. PO Bennett told § 87(2)(b) continuously to get dressed for about a minute, but § 87(2)(b) did not comply. About three officers, whom PO Bennett did not recall, came into the holding cell area and told § 87(2)(b) to that he was going home, and to get dressed and put his clothes back on. Eventually, § 87(2)(b) put his bathing suit bottoms and t-shirt on.

PO Bennett did not see Sgt Leung leave the desk, nor did he see him enter the holding cell area. PO Bennett did not recall Lt Ceparano being in the holding cell area, nor did he recall where Lt Ceparano went once he entered the stationhouse. PO Bennett did not recall Sgt Leung having a taser at all during the incident. PO Bennett did not see any officer holding a taser or clicking a taser. He did not see or hear any officer threaten § 87(2)(b) with a taser, nor did he do so himself. During his interview, PO Bennett explained that officers do not carry tasers, and that he did not see any bosses in the holding cell area at all.

PO Bennett brought § 87(2)(b) to the front desk and handed him three summonses. § 87(2)(b) was calm at this point, but continued to state that he was going to sue the officers, "have their jobs," and report them to the United Nations. § 87(2)(b) took the summonses and exited the stationhouse. § 87(2)(b) did not interact with Sgt Leung at this time. The entire incident at the stationhouse lasted about 5-8 minutes.

Subject Officer: LT BRUCE CEPARANO

- *Lt Bruce Ceparano is a § 87(2)(b)*
- *Lt Ceparano was on duty from 2:45 p.m., on July 29, 2013, to 11:30 p.m., assigned to summer detail lieutenant for the 60th Precinct, working with PO Bennett, dressed in uniform, and assigned to marked SUV #5691.*

Memo Book

Lt Ceparano had the following memo book entries regarding this incident: At 10:03 p.m., PO Bennett and Lt Ceparano stopped a male on Brighton 5th Street and Broadwalk for having an open container of alcohol, committing disorderly conduct, and littering. The male kicked a beer can at the police vehicle. The male, § 87(2)(b) § 87(2)(b) (DOB: § 87(2)(b)) was in good physical and good mental condition. PO Bennett asked § 87(2)(b) § 87(2)(b) for the lace around his bathing suit as part of safety precautions. Bennett was unable to remove it. The officers took § 87(2)(b) § 87(2)(b) to the 60th Precinct stationhouse because he was causing a crowd to gather. PO Bennett asked him to remove the string from his bathing suit shorts. § 87(2)(b) § 87(2)(b) decided voluntarily to remove his own shorts and shirt. PO Bennett was unable to remove the string from the bathing suit. § 87(2)(b) § 87(2)(b) was temporarily given a towel from his own bag to assure he did not remove his string to do bodily harm to himself. At 10:45 p.m., § 87(2)(b) § 87(2)(b) was released from the 60th Precinct stationhouse. Lt Ceparano personally ordered § 87(2)(b) § 87(2)(b) to put his clothes back on. After numerous orders, he complied and was released with three C Summonses (encl C10-13).

CCRB Testimony

Lt Ceparano was interviewed at the CCRB on December 20, 2013. His statement is generally consistent with PO Bennett's statement; only additional information and inconsistencies are noted below (encl C14-17).

At the stationhouse, PO Bennett took § 87(2)(b) § 87(2)(b) back to the holding cell area while Lt Ceparano recorded the incident in the command log at the front desk. Lt Ceparano did not recall if § 87(2)(b) § 87(2)(b) property was removed at the front desk prior to this. Sgt Leung, the desk sergeant, did not have any interaction with § 87(2)(b) § 87(2)(b) at the front desk. Sgt Leung did not leave the desk at any point during the incident. After about one or two minutes, Lt Ceparano heard screaming coming from the holding cell area. He recognized the voice as § 87(2)(b) § 87(2)(b). He did not hear PO Bennett state anything at this time. Lt Ceparano believed PO Bennett got into a physical altercation.

Because he was afraid that PO Bennett was in danger, Lt Ceparano ran to the holding cell area. While running there, he removed the taser from the holster located on his uniform. Lt Ceparano was wearing the taser throughout his entire tour. When Lt Ceparano entered the holding cell area, the taser was pointed at the ground. Lt. Ceparano observed § 87(2)(b) § 87(2)(b) standing in the cell completely naked, screaming.

No other officers were in the cell with § 87(2)(b) § 87(2)(b). Lt Ceparano noticed one or two other male officers in the holding cell area when he entered it; however, he did not recall names or descriptions of the officers. Lt Ceparano did not recall if these officers had any verbal interaction with § 87(2)(b) § 87(2)(b). Lt Ceparano did not recall if there was an officer assigned as the cell attendant during the incident. Also, Lt Ceparano did not recall there being any other prisoners in the holding cells during the incident.

Seeing that PO Bennett was not in danger and that § 87(2)(b) § 87(2)(b) was not a threat, Lt Ceparano put the taser back into his holster. The taser was out of Lt Ceparano's holster for approximately five seconds. § 87(2)(b) § 87(2)(b) stared at the taser and said, "Please tase me, tase me. I want your jobs." He also stated that he would report the officers to the United Nations. Lt Ceparano did not threaten § 87(2)(b) § 87(2)(b) with the taser, nor did he make any clicking sounds with the taser. Lt Ceparano did not point the taser at § 87(2)(b) § 87(2)(b). According to Lt Ceparano, there was also a taser located at the front desk; however, he did not see any officer remove the taser. Lt Ceparano was the only officer with a taser in the holding cell area. At this point, § 87(2)(b) § 87(2)(b) was irrational and belligerent. Lt Ceparano remained calm and stated, "I'm not tasing

you, put your clothes back on.” Lt Ceparano then instructed PO Bennett to write § 87(2)(b) a summons and get him out of the stationhouse.

PO Bennett left the holding cell area to write § 87(2)(b) a summons. § 87(2)(b) told Lt Ceparano, “You mess with the Russians, go fuck with the niggers. You’re afraid of the blacks.” Lt Ceparano told § 87(2)(b) that he was getting a summons and instructed him to put his clothes on. PO Bennett then came back with the summons. After being told he was going to be released with summonses and not sent to Brooklyn Central Booking, § 87(2)(b) calmed down. At no point at the stationhouse or at the prior incident location, did Lt Ceparano tell § 87(2)(b) that he would be taken to Brooklyn Central Booking. Lt Ceparano did not hear any other officer do so either. § 87(2)(b) then dressed himself after being asked to put his clothes on at least ten times by Lt Ceparano. Lt Ceparano did not remove the holster while telling § 87(2)(b) to put on his clothes. § 87(2)(b) was given three summonses then left the stationhouse.

PO Bennett later told Lt Ceparano that he instructed § 87(2)(b) to take the string out of his bathing suit buttons. § 87(2)(b) then ripped off his bathing suit bottom and shirt and threw them out of the cell. PO Bennett stated that he told § 87(2)(b) it was unnecessary for him to take off his clothes and that he only needed to take the string out. PO Bennett also told Lt Ceparano that he tried to remove the string from the shorts once § 87(2)(b) took them off; however, he was unable to remove it so he threw § 87(2)(b) a towel that was lying next to § 87(2)(b) beach bag to him in the cell. § 87(2)(b) refused to cover himself up with the towel. Lt Ceparano did not instruct § 87(2)(b) to strip down or take off his clothes, nor did he hear any other officer do so.

When shown a copy of the command log, Lt Ceparano recognized that the entry regarding § 87(2)(b) arrest was written in Sgt Leung’s handwriting. Lt Ceparano read an entry that stated § 87(2)(b) voluntarily removed his bathing suit shorts when asked to remove his string. Lt Ceparano did not recall informing Sgt Leung of this. Lt Ceparano did not see any indication in the command log that § 87(2)(b) was stripped searched and stated that if there was a strip search conducted he would have documented it.

Subject Officer: SGT KAIYUEN LEUNG

- *Sgt Kaiyuen Leung is a § 87(2)(b)*
- *Sgt Leung was on duty from 2:40 p.m., on July 29, 2013, 11:47p.m., assigned to desk sergeant, working in uniform. Sgt Leung was not switch duties.*

Memo Book

Sgt Leung had no memo book entries regarding this incident (encl C18-20).

CCRB Testimony

Sgt Leung was interviewed at the CCRB on December 23, 2013 (encl C21-22).

When shown a copy of the command log, Sgt Leung confirmed the entry made at 10:08 p.m., regarding the arrest of § 87(2)(b) was written by him, as well as the entry stating that the defendant took off his shorts voluntarily.

PO Bennett and Lt Ceparano brought in an individual, identified by investigation as § 87(2)(b) to the stationhouse. Sgt Leung noticed § 87(2)(b) in front of his desk; however, he did not

converse with him at all. Sgt Leung did not recall § 87(2)(b) demeanor while inside the stationhouse. Sgt Leung did not recall if the officers removed any of § 87(2)(b) personal items at the time.

PO Bennett then took § 87(2)(b) to the holding cell. Sgt Leung did not recall where Lt Ceparano went once inside the stationhouse. Sgt Leung did not hear any commotion or yelling or screaming in the holding cell area. Sgt Leung did not recall if Lt Ceparano had to run or rush into the holding cell area.

PO Bennett later informed Sgt Leung that § 87(2)(b) took off his shorts and shirt voluntarily when asked to remove his bathing suit string. Sgt Leung then wrote what PO Bennett told him into the command log. Sgt Leung did not witness these events personally.

Sgt Leung remained at the desk. He did not see § 87(2)(b) in the holding cell. There is a camera at the front desk that shows surveillance footage of the holding cell area, but he did not see § 87(2)(b) on the camera at all and did not observe § 87(2)(b) take off his clothes. Sgt Leung did not move from his desk. Sgt Leung did not speak to the prisoner, nor did he recall if § 87(2)(b) requested to speak to him.

Sgt Leung did not know if there was a taser at his desk because he was only temporarily assigned to the 60th Precinct stationhouse. Sgt Leung did not remove a taser from the desk. Sgt Leung did not threaten § 87(2)(b) with a taser. Sgt Leung did not receive taser training until about two months after the incident date; his training was on the new, modern taser, and not the old taser that would have been used on the incident date. Sgt Leung did not instruct § 87(2)(b) to dress or undress during the incident. Sgt Leung did not draw or point a taser at § 87(2)(b) nor did he see any other officer or Lt Ceparano do so.

NYPD Document

Command Log

The 60th Precinct command log notes that on July 29, 2013, at approximately 10:08 p.m., § 87(2)(b) was arrested at Boardwalk and Brighton 5th Street for disorderly conduct by PO Bennett and supervising officer, Lt Ceparano. § 87(2)(b) was released with three summonses at 10:45 p.m. The arrest entry in the command log also notes, “Deft did take off his own shorts/shirts voluntarily when asked to remove his bathing suit string” (encl D9).

Summons for Incident and Disposition

- § 87(2)(b), § 87(2)(a) 160.50
- § 87(2)(b), § 87(2)(a)
- On January 21, 2014, § 87(2)(b) resolved summons number § 87(2)(b) by paying a fine.

Status of Civil Proceedings

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of January 13, 2014 with regard to the incident (encl E18).

Civilian(s) Criminal History

- As of January 10, 2014, Office of Court Administration records reveal no criminal convictions for § 87(2)(b) (encl E1-17).

Civilian(s) CCRB History

- § 87(2)(b)

- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject Officer(s) CCRB History

- PO James Bennett has been a member of service for two years and there are no substantiated cases against him (encl A1).
- Lt Bruce Ceparano has been a member of service for nine year and there are no substantiated cases against him (encl A2-3).
- Sgt Kaiyuen Leung has been a member of service for eleven years and there are no substantiated cases against him (encl A4).

Conclusion

Identification of Subject Officer(s)

PO Bennett and Lt Ceparano affirmed interacting with § 87(2)(b) and Sgt. Leung affirmed being the desk sergeant and writing the entry log regarding the arrest of § 87(2)(b). Sgt Leung acknowledged § 87(2)(b)'s presence in the stationhouse during the incident, and he matches the physical description of the subject officer provided by § 87(2)(b).

Investigative Findings and Recommendations

Allegation A – Sgt Kaiyuen Leung threatened Andrie § 87(2)(b) with the use of force.

Allegation B – Abuse of Authority: PO James Bennett strip-searched § 87(2)(b)

Allegation C – Abuse of Authority: Lt Bruce Ceparano strip-searched § 87(2)(b)

Allegation D – Abuse of Authority: Sgt Kaiyuen Leung strip-searched § 87(2)(b)

It remains in dispute whether § 87(2)(b) was strip-searched by PO Bennett, Lt Ceparano and Sgt Leung, and whether Sgt Leung threatened § 87(2)(b) with a taser in the process of the alleged strip-search.

According to § 87(2)(b) when PO Bennett and Lt Ceparano escorted him to the holding cell, PO Bennett repeatedly instructed him to remove his shorts even though he was not wearing any undergarments. Sgt Leung later entered the holding cell area, holding and clicking a taser while telling § 87(2)(b) to listen to PO Bennett's instructions and to get undressed. § 87(2)(b) complied and got completely undressed. § 87(2)(b) also alleged that after being given back his clothes, PO Bennett, Sgt Leung and Lt Ceparano all instructed him to get dressed, while Sgt Leung held a taser, clicking it and threatening § 87(2)(b).

However, PO Bennett testified that when he instructed § 87(2)(b) to remove the string from his bathing suit bottoms as part of safety procedure before entering the holding cell, § 87(2)(b) could not remove the string, became frustrated and took off his clothes of his own volition. PO Bennett did not see Lt Ceparano or Sgt Leung in the holding cell area. Lt Ceparano testified that upon hearing screams, he ran into the holding cell area with his taser drawn and pointed at the ground, and saw § 87(2)(b) standing naked in the cell. Once he saw PO Bennett was not in danger and that § 87(2)(b) was not a threat, he immediately put the taser back into his holster. According to Lt Ceparano, he did not point or click his taser at § 87(2)(b) when telling him to get dressed, nor did he tell him to get undressed initially. Lt Ceparano testified that Sgt Leung did not enter the holding cell area and that he did not see any other

officer with a taser during the incident. Sgt Leung testified that he did not enter the holding cell area, nor did he handle the taser located at the desk at all during the incident. Sgt Leung did not point or threaten § 87(2)(b) with a taser or give him commands to dress or undress. Sgt Leung was not trained in how to use a taser at the time of the incident.

§ 87(2)(b), § 87(2)(g)

_____.

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date